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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,644	09/12/2003	Jurgen Prange	SRE-0005-US	7580
36183 7590 07/31/2007 PAUL, HASTINGS, JANOFKY & WALKER LLP P.O. BOX 919092 SAN DIEGO, CA 92191-9092			EXAMINER SREBOFF, NEAL	
			ART UNIT	PAPER NUMBER
			3626	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,644	<b>Applicant(s)</b> PRANGE, JURGEN	
	<b>Examiner</b> Neal R. Sereboff	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In the amendment filed 6/13/2007, the following has occurred: Claims 1, 8 and 15 have been amended; Claims 21 and 22 have been added. Now, claims 1 – 22 are pending.

### ***Notice to Applicant***

2. The Examiner notes that when method steps are included within System type claims, the method steps can interpreted as intended use and therefore have not patentable weight (see MPEP §2106(II)C). These steps do not further limit the structural scope of the invention but show the intended use of that structure.

### ***Claim Objections***

3. Claim 8 is objected to because of the following informalities: The Examiner understands that the “means for” described in the claim line 5 is associated to 3 different objects: means for advising, means for requesting and means for pairing. The Examiner notes that the language used for the second 2 structures was copied from claim 1 without updating the verbs, respectively. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. **Claims 1 – 7** are rejected under 35 U.S.C. 102(e) as being anticipated by Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584.

6. As per claim 1, Lundegren teaches a system for transacting business between a customer and a business, the system comprising:

- A server used by the business and being accessible by the customer, wherein the business is a reinsurer and the customer is an insurer (see figure 1); and
- A customer account housed on the server (see paragraphs 27, 36 and 37)
  - Wherein the customer account includes automated instructions that allow the customer
    - To advise the business of an upcoming payment for an upcoming event (see figure 6 where upcoming is a future time),
    - To request a payment from the business from a previous event, or
    - To pair a payment with one or more previous events,
  - Wherein the automated instructions are adapted to present on a computer graphical user interface a list of open current account bookings of the customer (see figure 3 where the customer could have more than one position open),
  - Wherein the open current account bookings are associated with more than one insurance policy (see figure 3 where an unlimited number of positions are possible), and

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- Wherein, using the list, the customer is able to pair a payment associated with a certain insurance policy with a previous event associated with the certain insurance policy (see figure 2 where terms are specified).

7. As per claim 2, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (see paragraph 46).

8. As per claim 3, Lundegren teaches the system of claim 2 as described. Lundegren further teaches the system wherein the claim relates to an insurance claim (see paragraph 46).

9. As per claim 4, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system wherein the upcoming event is a premium payment for an insurance policy (see paragraph 45 and 81 where the premium is collected at some future time).

10. As per claim 5, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system comprising a computer in communication with the server (see figure 1), wherein the customer accesses the server through the computer (see figure 1).

11. As per claim 6, Lundegren teaches the system of claim 5 as described. Lundegren further teaches the system wherein the access to the server from the computer includes use of the Internet (see figure 1).

12. As per claim 7, Lundegren teaches the system of claim 5 as described. Lundegren further teaches the system wherein the access to the server from the computer is remote (see figure 1).

13. As per claim 8, Lundegren teaches a system for transacting business between a customer and a business, the system comprising:

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- A server used by the business and being accessible by the customer, wherein the business is a reinsurer and the customer is an insurer (see figure 1); and
- A customer account housed on the server (see paragraphs 27, 36 and 37),
  - Wherein the customer account includes means for
    - Advising the business of an upcoming payment for an upcoming event (see figure 6 where upcoming is a future time and the means is a computer web page),
    - To request a payment from the business from a previous event, or
    - To pair a payment with one or more previous events,
- Wherein the automated instructions are adapted to present on a computer graphical user interface a list of open current account bookings of the customer (see figure 3 where the customer could have more than one position open),
- Wherein the open current account bookings are associated with more than one insurance policy (see figure 3 where an unlimited number of positions are possible), and
- Wherein, using the list, the customer is able to pair a payment associated with a certain insurance policy with a previous event associated with the certain insurance policy (see figure 2 where terms are specified).

14. As per claim 9, Lundegren teaches the system of claim 8 as described above. Lundegren further teaches the system wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (see paragraph 46).

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15. As per claim 10, Lundegren teaches the system of claim 9 as described above.

Lundegren further teaches the system wherein the claim relates to an insurance claim (see paragraph 46).

16. As per claim 10, Lundegren teaches the system of claim 8 as described above.

Lundegren further teaches the system wherein the upcoming event is a premium payment for an insurance policy (see paragraphs 45 and 81 where the premium is collected at some future time).

17. As per claim 12, Lundegren teaches the system of claim 8 as described above.

Lundegren further teaches the system comprising a computer in communication with the server (see figure 1), wherein the customer accesses the server through the computer (see figure 1).

18. As per claim 13, Lundegren teaches the system of claim 12 as described above.

Lundegren further teaches the system wherein the access to the server from the computer includes use of the Internet (see figure 1).

19. As per claim 14, Lundegren teaches the system of claim 12 as described above.

Lundegren further teaches the system wherein the access to the server from the computer is remote (see figure 1).

20. As per claim 15, Lundegren teaches a method of transacting business between a customer and a business, the method comprising:

- Accessing a customer account on a server used by the business, wherein the business is a reinsurer and the customer is an insurer (see figure 1); and
- Accessing a computer graphical user interface that displays a list of open current account bookings of the customer, wherein the open current account bookings are associated with more than one insurance policy (see figure 6), and

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- Instructing the business to make an upcoming payment for an upcoming event (see figure 6 where upcoming is a future time), to request a payment from the business from a previous event, or to pair a payment with one or more upcoming events,
- Wherein instructing the business to pair a payment with one or more upcoming events comprises using the list to pair a payment associated with a certain insurance policy with an upcoming event associated with the certain insurance policy (see figure 2 where terms are specified).

21. As per claim 16, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (see paragraph 46).

22. As per claim 17, Lundegren teaches the method of claim 16 as described above.

Lundegren further teaches the method wherein the claim relates to an insurance claim (see paragraph 46).

23. As per claim 18, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the upcoming event is a premium for an insurance policy (see paragraph 45 and 81 where the premium is collected at some future time).

24. As per claim 19, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein accessing the customer account involves use of the Internet (see figure 1).



25. As per claim 20, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the customer account is accessed remotely (see figure 1).

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584 in view of Official Notice.

28. As per claim 21, Lundegren teaches the system of claim 1 as described.

Lundegren further teaches the system wherein the customer advises of an upcoming payment by selecting postings on the list (see figure 2 where payment terms are described).

Lundegren does not explicitly teach the system wherein the automated instructions are adapted to verify that the sum of all selected postings is in the business's favor.

The examiner takes Official Notice that the automated instructions are adapted to verify that the sum of all selected postings is in the business's favor.

One of ordinary skill in the art at the time of the invention would have added the Official Notice feature to Lundegren. One of ordinary skill in the art would have added this feature with the motivation to clearly see all the positions of a business or a customer online to make determining profits easier (Official Notice).

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29. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584 in view of Goino, U.S. Pre-Grant Publication Number 2001/ 0056396.

30. As per claim 22, Lundegren teaches the system of claim 1 as described.

Lundegren does not explicitly teach the system wherein the customer requests a payment by selecting postings on the list, and wherein the automated instructions are adapted to verify that the sum of all selected postings is in the customer's favor.

However, Goino teaches the system wherein the customer requests a payment by selecting postings on the list (see paragraph 371 where a bidders list is shown), and wherein the automated instructions are adapted to verify that the sum of all selected postings is in the customer's favor (see paragraph 372).

One of ordinary skill in the art at the time of the invention would have added these features to Lundegren. One of ordinary skill in the art would have added these features with the motivation to satisfy that requirements other than the price for a client are provided (see Goino abstract).

### ***Response to Arguments***

31. Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection. Please see the rejections as described above.

### ***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aleia et al., U.S. Patent Number 5,991,733.

Schoen et al., U.S. Pre-Grant Publication Number 2004/ 0225536.


Conroy et al., U.S. Pre-Grant Publication Number 2005/ 0086156.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NRS/  
7/19/2007

  
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